IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 171 OF 2004

Shri Narayan Gangadhar Salunke .. Petitioner

Vs.

Shri Shivaji Dinkar Salunke and ors. .. Respondents

Mr. Dilip Bodke for the petitioner.

CORAM: B.H. MARLAPALLE, J.

Date : June 27, 2005.

P.C.:

1. The order passed by the learned Additional District Judge at Karad in Satara District on 10/8/2004 allowing the Application No.36 of 2004 has been challenged in this Civil Revision Application. The learned Judge of the Lower Appellate Court was pleased to condone the delay of about two months and thirteen days in filing an appeal but without levying any cost.

2. This court in the order dated 14/2/2005 has noted that the Lower Appellate Court was justified in condoning the delay taking into consideration the status of the appellants and this court has further

noted that while condoning the delay the defendants should have been directed to pay cost. Obviously the notice issued by the same order is only regarding the cost to be imposed on the defendants. The learned counsel for the petitioner has filed an affidavit stating that the notice issued by this court has been duly served.

3. The Civil Revision Application is disposed of by directing the respondents to remit an amount of Rs.1000/- by way of cost with the Lower Appellate Court within a period of four weeks from today and it is clarified that the delay condoned by the Lower Appellate Court is subject to payment of this cost.

. Writ to go forthwith to the Lower Appellate Court.

(B.H. Marlapalle,J.)